



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FLORIDA 33919

Regulatory Division
South Permits Branch/West Permits Section
Fort Myers Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2003-3374 (IP-MAE) **SEP 24 2004**

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below.

APPLICANT: Heart of the Everglades
Post Office Box 110
Everglades City, FL 34139

WATERWAY & LOCATION: The proposed project involves tidal waters within Lake Placid and a 30' wide mangrove and Brazilian pepper fringe located within the coastal drainage basin, Chokoloskee Bay, Gulf of Mexico. The project is located at Buckner Avenue in Section 14, Township 53 South, Range 29 East, Collier County, Florida.

DIRECTIONS TO SITE: Take I-75 to S.R. 29 and go south. Take a left on Buckner Avenue South. The project site is located at the end of Buckner Avenue on the east side of the road.

LATITUDE & LONGITUDE: Latitude 25°51'45" North, Longitude 81°22'55" West

PROJECT PURPOSE:

Basic: To construct a multi-family docking facility.

Overall: To expand an existing condominium and to increase the number of boat slips available for condominium owners.

PROPOSED WORK: The applicant proposes to expand an existing condominium development (Phase II) and to construct 32-adjacent boat slips. There are currently 10 existing slips at the condominium. The proposed docks include: two (2) 519-square foot dock structures that can accommodate up to sixteen (16) boats each. The applicant is also proposing to dredge 2,222 cubic yards from 0.55 acre of lake bottom. The dredged material will be disposed on-site in an upland area.

ENDANGERED SPECIES: The project site provides potential habitat for the federally endangered West Indian manatee (*Trichechus manatus*). The applicant indicated that no seagrasses are located within the project area. Based on the addition of 32 new boat slips the Corps of Engineers has determined that the project "may affect" the manatee; therefore, the Corps will be requesting formal consultation with the U.S. Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act. This request will be coordinated with FWS through a separate letter. The Corps of Engineers is not aware of any other threatened or endangered species on the project site.

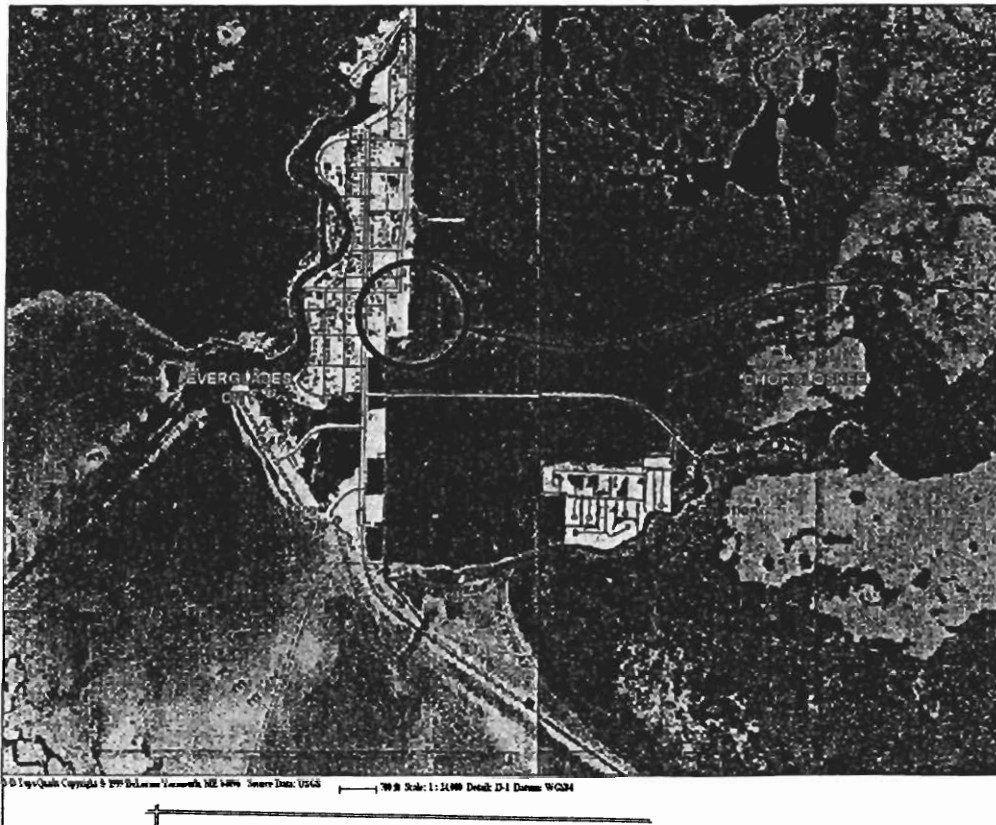
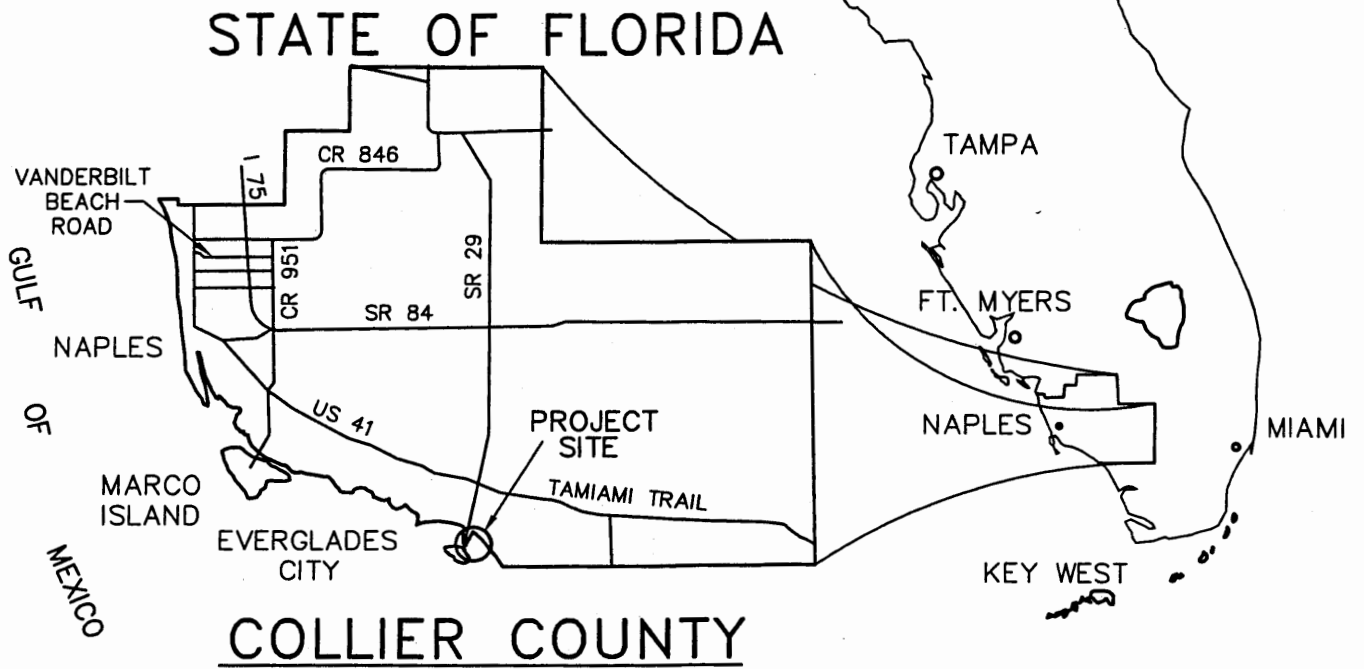
ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 0.55 acres of surface waters utilized by various life stages of shrimp, red drum, reef fish, stone crab, migratory/pelagic fish, and the snapper/grouper complex. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

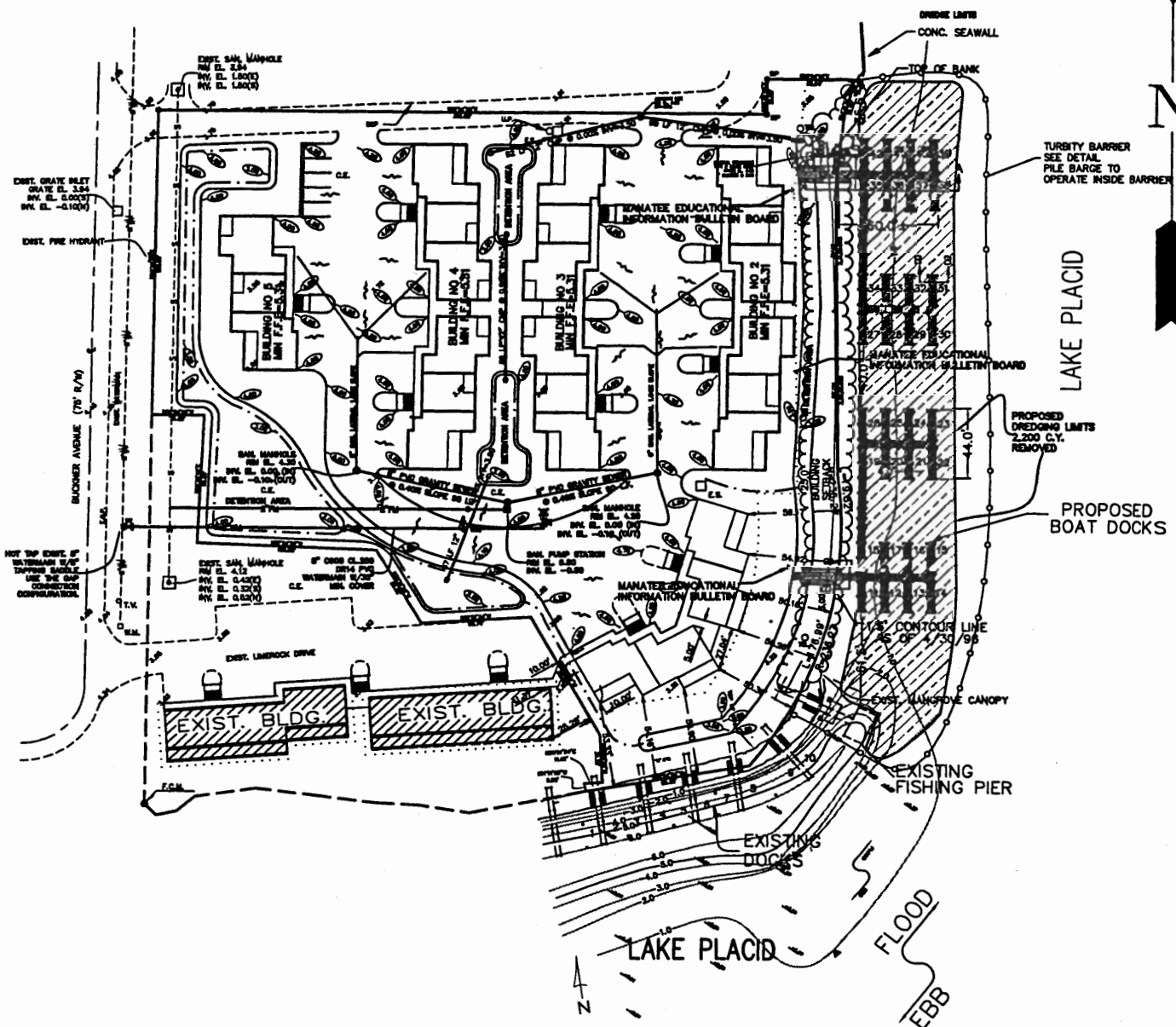
NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The Corps has verified the jurisdictional determination.

AUTHORIZATION FROM OTHER AGENCIES: The South Florida Water Management District (SFWMD) is reviewing an ERP application for this project. The permit application number is 030417-15.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Ms. Melissa Ellis by letter at the letterhead address, by telephone at: 239-334-1975 x22, by fax at 239-334-0797 or by email at Melissa.A.Ellis@saj02.usace.army.mil.

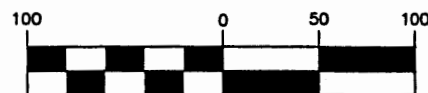




MANGROVE TRIMMING NOTES

MANGROVES ARE TO BE TRIMMED TO WITHIN 6" ABOVE THE PROPOSED DOCK ELEVATION AND WITHIN 3' OUT FROM DOCK EDGE. WORK IS TO BE COMPLETED BY HAND WITH CHAIN SAW AND OTHER PRUNING TOOLS. CLIPPINGS ARE TO BE REMOVED FROM THE SITE.

GRAPHIC SCALE



(IN FEET)
1 inch = 100.0' ft.

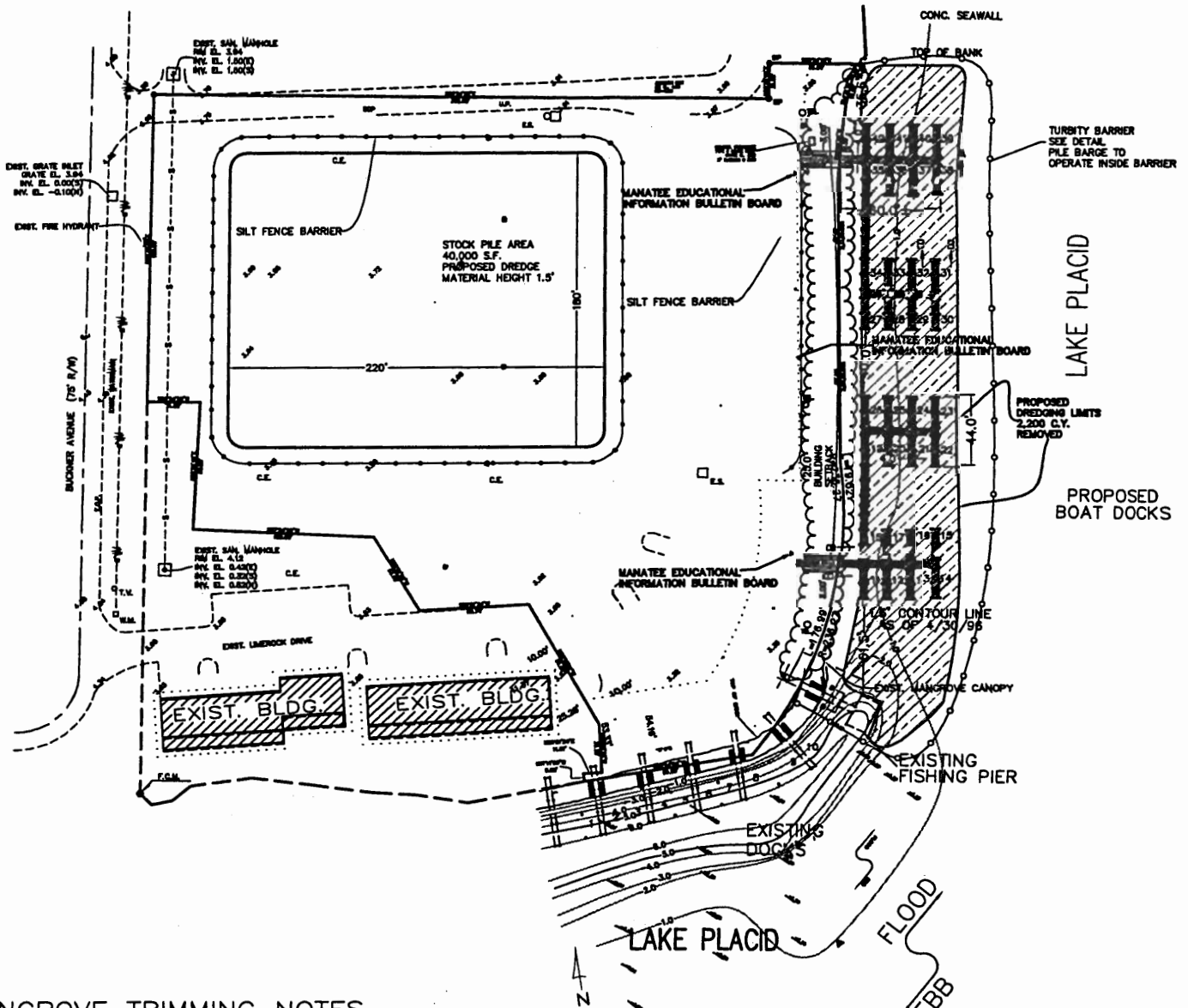
OVERALL SITE PLAN

DAVIDS
2154 TRAIL

SAJ-2003-3374 (IP-MAE)
Lake Placid Phase II
26 August 2004
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NG, INC.
FLORIDA 34109
195

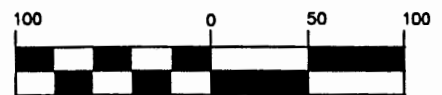
LAKE PLACID WATERWAYS
SCALE 1" = 100'
DATE FEB. 2003
SHEET 2 OF 6



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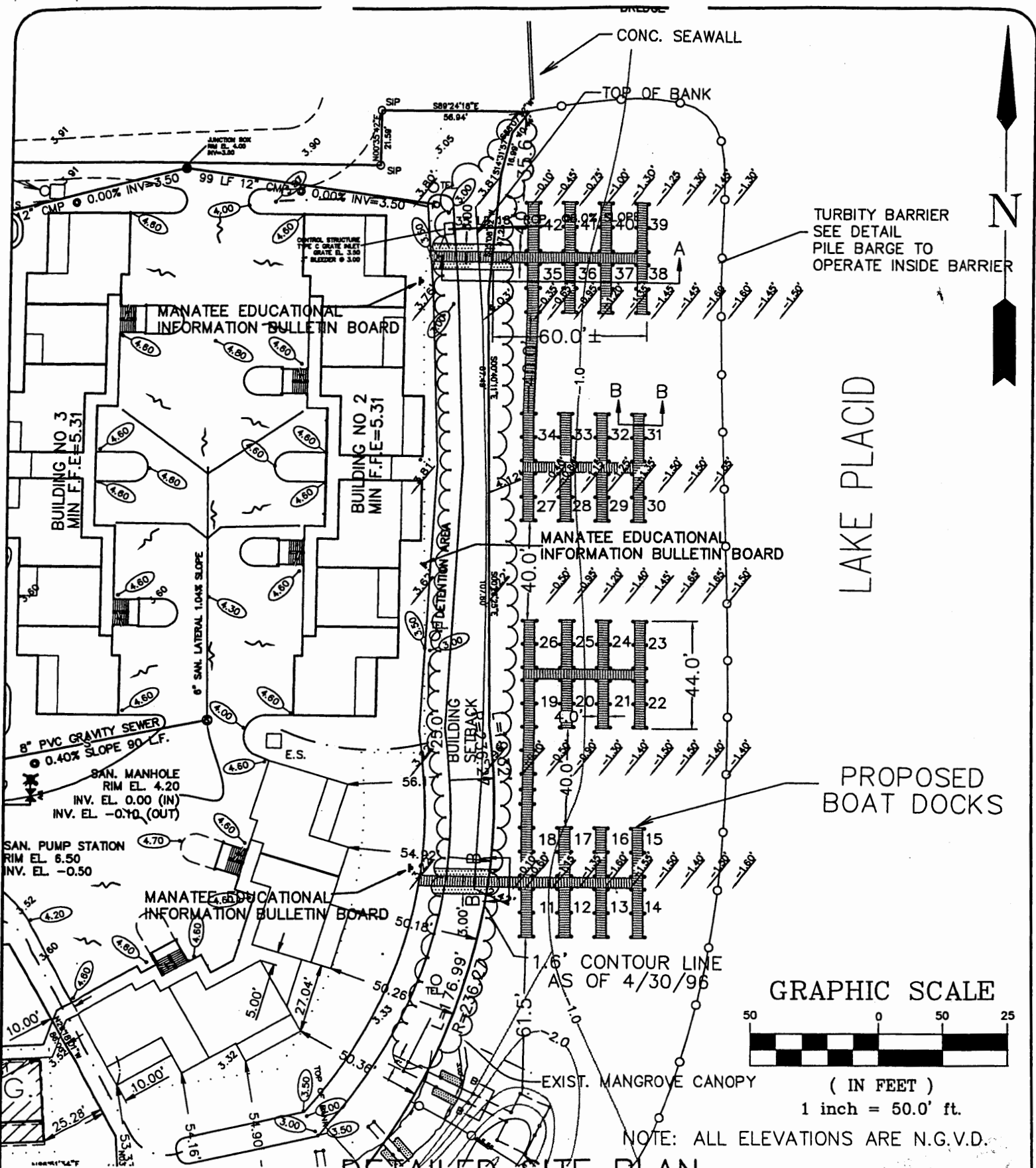
STOCK PILE SITE PLAN

DAVIDS
2154 TRAIL

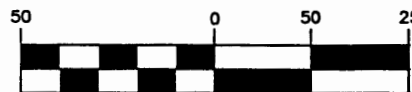
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Lake Placid Phase II
26 August 2004
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NG, INC.
ORIDA 34109
195

LAKE PLACID WATERWAYS
SCALE 1" = 100'
DATE FEB. 2003
SHEET 2A OF 6



GRAPHIC SCALE



(IN FEET)

1 inch = 50.0' ft.

NOTE: ALL ELEVATIONS ARE N.G.V.D.

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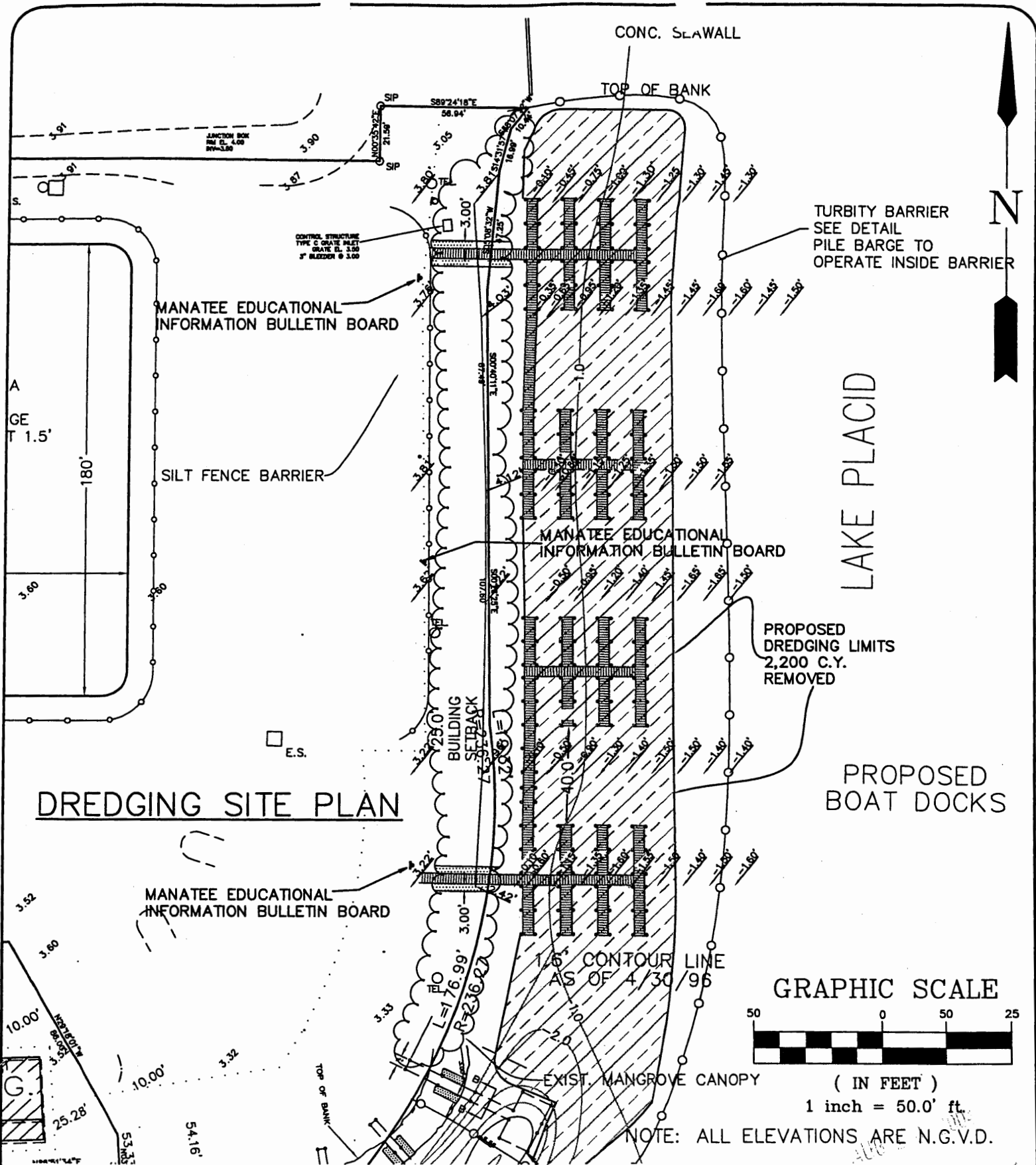
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Lake Placid Phase II
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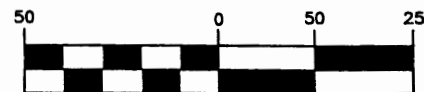
ERIN, INC.

LES, FLORIDA 34109
9) 597-5195
96

LAKE PLACID WATERWAYS
SCALE 1" = 50'
DATE FEB. 2003
SHEET 3 OF 6



GRAPHIC SCALE



(IN FEET)

1 inch = 50.0' ft.

NOTE: ALL ELEVATIONS ARE N.G.V.D.

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Lake Placid Phase II
26 August 2004
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RING, INC.
FLORIDA 34109
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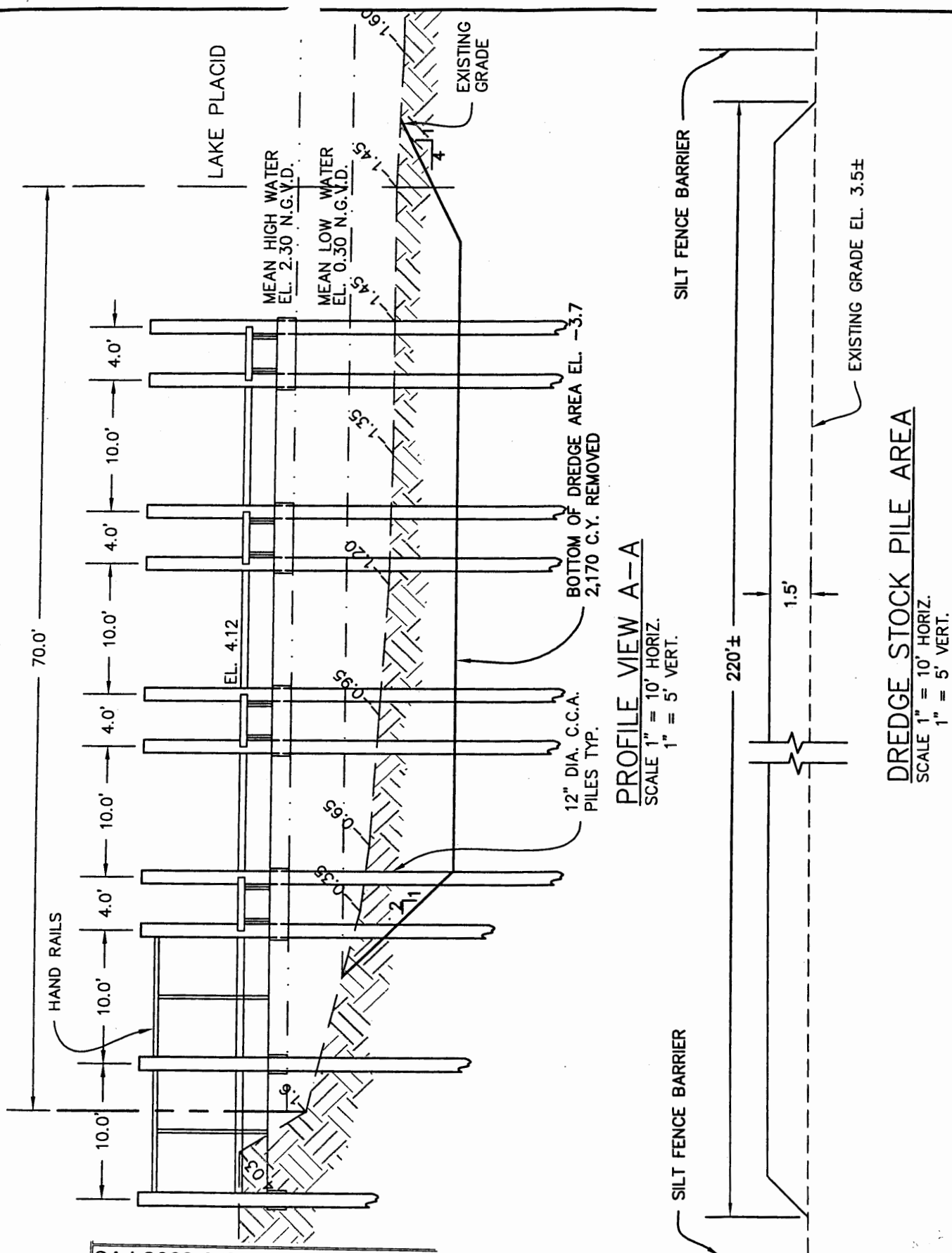
LAKE PLACID WATERWAYS
SCALE 1" = 50'
DATE FEB. 2003
SHEET 3A OF 6

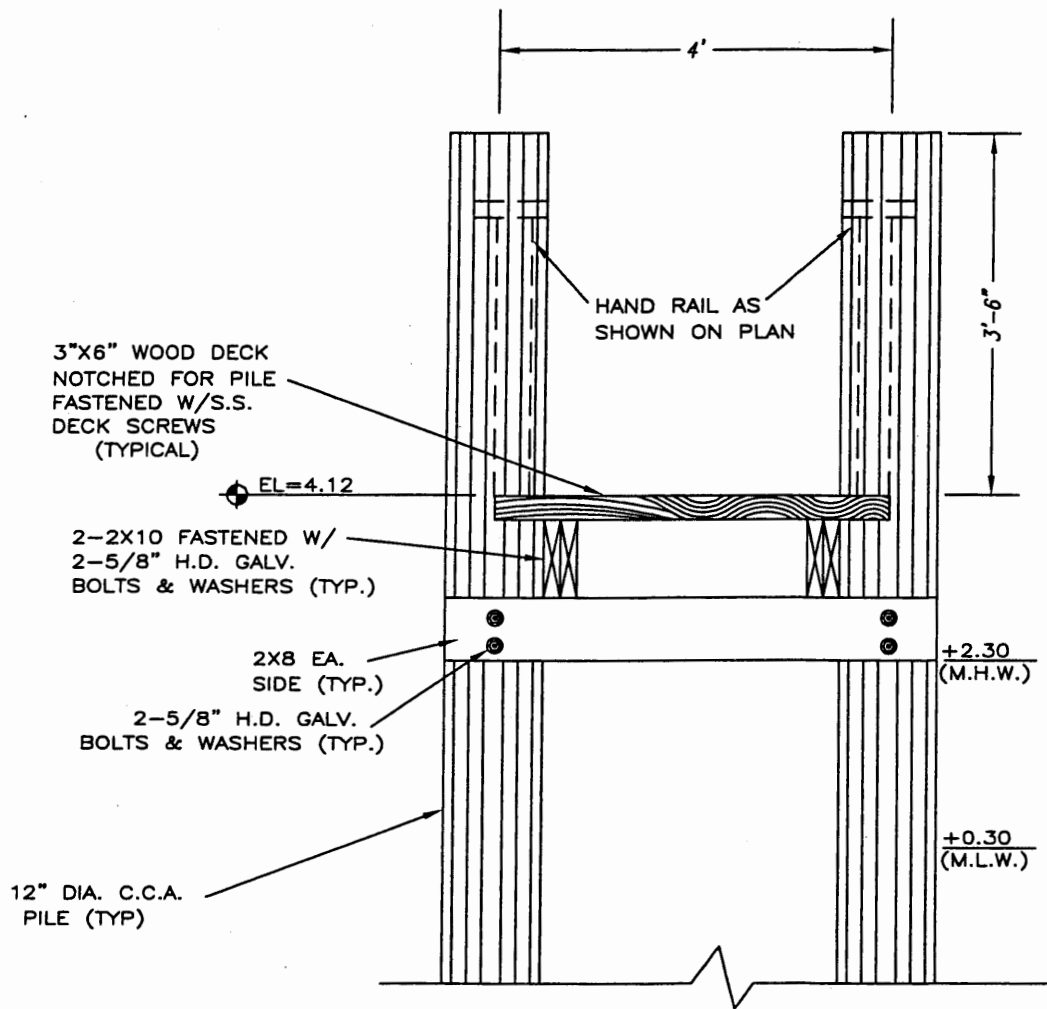
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Lake Placid Phase II
26 August 2004
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**S, FLORIDA 34109
597-5195**

LAKE PLACID WATERWAYS
SCALE AS NOTED
DATE FEB. 2003
SHEET 4 OF 6

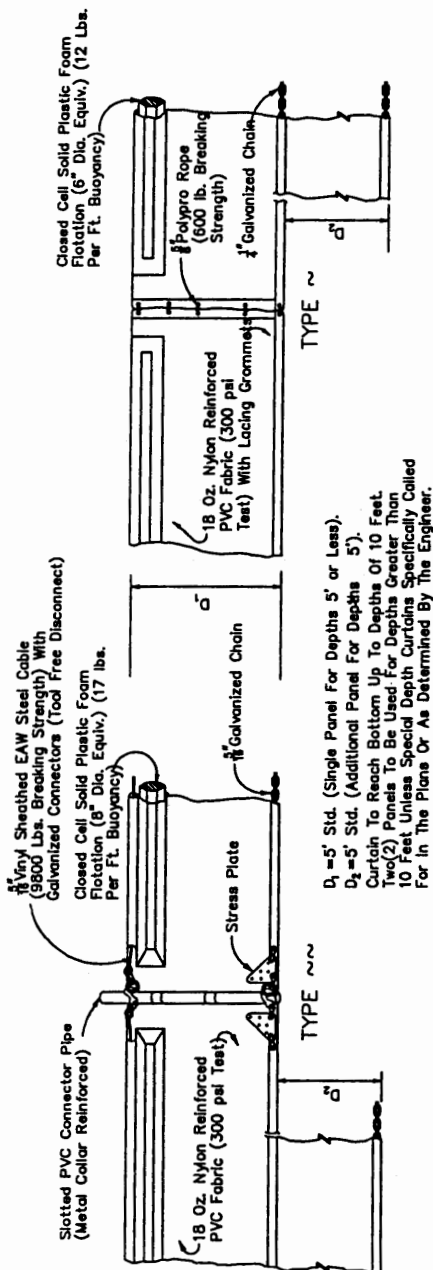




PILES TO BE MARINE GRADE PRESSURE TREATED
TOXIC COATINGS LIKE CREASOTE SHALL NOT BE USED

SECTION B-B

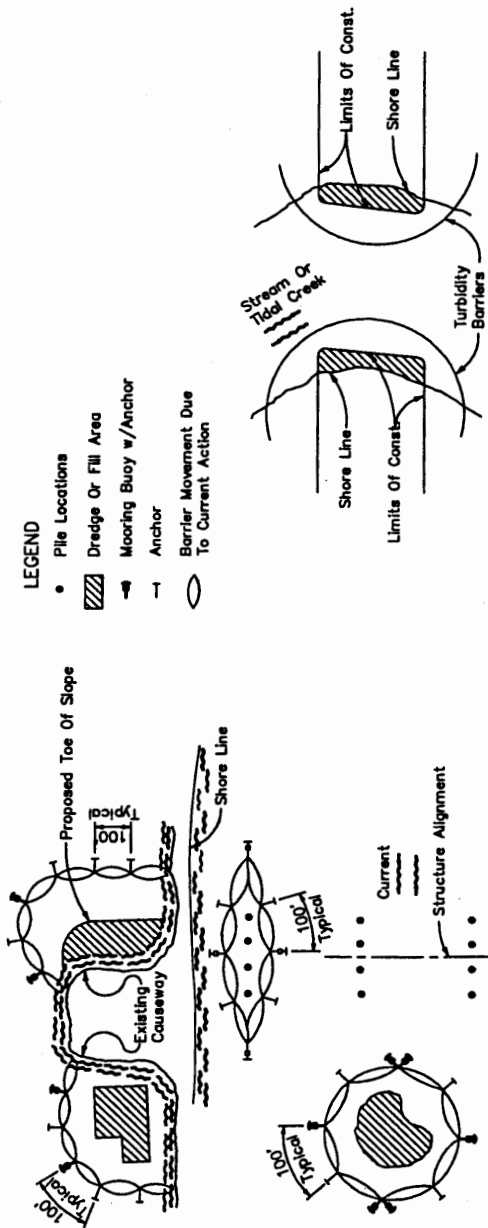




NOTICE: COMPONENTS OF TYPES ~ AND ~ MAY BE SIMILAR OR IDENTICAL TO PROPRIETARY DESIGNS. ANY INFRINGEMENT ON THE PROPRIETARY RIGHTS OF THE DESIGNER SHALL BE THE SOLE RESPONSIBILITY OF THE USER. SUBSTITUTIONS FOR TYPES ~ AND ~ SHALL BE AS APPROVED BY THE ENGINEER.

FLOATING TURBIDITY BARRIERS

GENERAL NOTES
1. Floating turbidity barriers are to be paid for under the contract unit price for Floating Turbidity Barrier, LF.



- NOTES:
1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
 2. Number and spacing of anchors dependent on current velocities.
 3. Deployment of barrier around pile locations may vary to accommodate construction operations.
 4. Navigation may require segmenting barrier during construction operations.
 5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


John R. Hall
Chief, Regulatory Division